



**Tennessee
Department of State**

Division of Business Services

**Notary Commission
Services**

**Riley C. Darnell
Secretary of State**

Revised 1/10/2008

1. WHAT IS A NOTARY PUBLIC FOR THE STATE OF TENNESSEE?

A Notary is a county public official whose powers and duties are defined by statute. Basically, a Notary has the power to administer oaths and take depositions, affidavits and acknowledgments. A Notary's powers and duties can be exercised in all counties in the State of Tennessee.

2. ARE THERE ANY RESTRICTIONS ON BECOMING A NOTARY?

Statutory age, residency and qualification requirements are specified in TCA §8-18-101 and §8-16-101. It is a misdemeanor to take office as a Notary if a disqualification exists.

3. HOW DOES A PERSON BECOME A NOTARY?

A Notary is elected by the county legislative body in the county in which the applicant, at the time of his/her election, resides or maintains his/her principal place of business. An application and a fee of \$12 (\$7 for the County Clerk and \$5 for the Secretary of State) must be submitted to the County Clerk.

The County Clerk certifies an election of the applicant by the county legislative body and forwards the certification and the \$5 fee to the Secretary of State, Division of Business Services. Upon receipt of the election certification and the \$5 fee from the County Clerk, the Division of Business Services prepares, records and forwards to the County Clerk the notary commission signed by the Governor and the Secretary of State. The County Clerk records the notary commission and notifies the person to whom the commission was issued. After an oath has been taken and bond posted, the County Clerk delivers the notary commission to the person elected.

4. WHAT IF A NOTARY MOVES FROM THE COUNTY OF ELECTION OR THE NOTARY'S SURNAME CHANGES?

If a Notary moves his/her residence or principal place of business out of the county from which he/she was elected to another Tennessee county, or if the Notary's surname changes, the Notary must notify the County Clerk of the county from which he/she was elected, and the County Clerk in turn will notify the Secretary of State, Division of Business Services of the change. A processing fee of \$7 (\$5 for the County Clerk and \$2 for the Secretary of State) must be submitted to the County Clerk.

The reporting of a Notary's surname change does not change the Notary's name of record as it appears on a previously issued notary commission. If a new notary commission is desired as a result of the surname change, additional procedures and fees apply. Please refer to the commission name change procedure below in section 8.

If a Notary moves his/her residence or principal place of business out of the State of Tennessee, he/she is no longer qualified to act as a Tennessee Notary and must surrender his/her commission.

5. WHAT IS THE TERM OF A NOTARY?

A Notary's term of office is four years, beginning on the date that the notary commission is issued by the Governor. A notary commission can be renewed through the same method as the initial election (see above). It is a Class C misdemeanor for a Notary to act in an official capacity after the expiration of the notary commission.

6. WHAT ARE THE REQUIREMENTS FOR AN OFFICIAL SEAL?

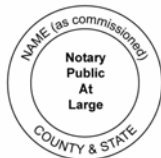
State law requires all Notaries to use a seal design prescribed by the Secretary of State.

Pursuant to Rule 1360-7-2-.01(1), a Notary commissioned on or after July 1, 2004, must use a seal that substantially conforms to the following design: a circular seal with the Notary's name (as it appears on the commission) printed at the top, the county of election printed at the bottom, and the words "State of Tennessee Notary Public" or "Tennessee Notary Public" printed in the center. A sample seal format appears below:



Pursuant to Rule 1360-7-2-.01(2), a Notary commissioned prior to July 1, 2004, must use either the seal design described above, or, until the expiration of his/her current term of office, may continue to use a seal that substantially conforms to the following design: a circular

seal with the Notary's name (as it appears on the commission) printed at the top, the county and state printed at the bottom, and "Notary Public at Large" printed in the center. A sample seal format appears below:



A Notary must purchase an official seal at his/her own expense.

The seal should be a rubber or other type stamp (not an embossed/impression seal) and must be imprinted in "...any color other than black or yellow, provided the color used to imprint the seal shall be clearly legible and appear as black when photocopied on a non-color copier." However, these requirements do not apply to Notaries commissioned prior to July 1, 2004, until the expiration of their current terms of office. In addition, the failure to imprint the seal with a proper color does not invalidate the notarization and does not subject the Notary to any civil or criminal liability. Furthermore, the use of an embossed/impression seal after May 12, 2003, does not render an acknowledgment defective.

The seal must be surrendered to the county legislative body upon expiration of the Notary's term of office or resignation, and the personal representative must surrender the seal in the event of the Notary's death.

7. HOW ARE COMPLAINTS AGAINST A NOTARY HANDLED?

A Notary is considered a county public official and may be removed from office just as any other county official. Complaints concerning official misconduct should be directed to the appropriate official (such as the County Attorney or the District Attorney General) in the county in which the Notary is elected or in which the alleged misconduct occurred.

8. HOW CAN THE NAME OF A NOTARY AS COMMISSIONED BE CHANGED?

A Notary whose name has been legally changed can obtain a new commission by submitting to the Division of Business Services (through the County Clerk) the original commission, a statement from the County Clerk indicating that the legal name has changed and identifying the former and current names, and payment of a \$5 fee to the Secretary of State. The new commission will be forwarded to the County Clerk for delivery to the Notary. (Note: The \$5 fee is in addition to the name change reporting fees noted above in section 4.)

9. ARE THERE ANY NOTARY ADVERTISING RESTRICTIONS?

Restrictions and disclosure notices may apply to advertising by certain Notaries. Please review the consumer protection provisions found in Title 8, Chapter 16, Part 4 of Tennessee Code Annotated.

10. WHERE CAN I OBTAIN NOTARY INFORMATION?

For Notary application and election information, please contact your County Clerk.

The Secretary of State, Division of Business Services maintains an Internet website that includes some Notary information and a searchable database of current Notary commissions. The Division's site may be accessed via the Secretary of State's home page at: www.state.tn.us/sos/

The Secretary of State, Division of Business Services is neither authorized nor qualified to provide legal advice relative to Notaries or their powers and duties. Please contact an attorney or other qualified professional for such information.

MAILING ADDRESS

State of Tennessee
Department of State
Division of Business Services
NTS Unit
312 Eighth Avenue North
6th Floor, Wm. R. Snodgrass Tower
Nashville, TN 37243

TELEPHONE NUMBER

The telephone number for the Division's NTS Unit is:
(615)741-0531

E-MAIL ADDRESS

Business.Services@state.tn.us

FAX NUMBER

(615)741-7310

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